IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

Crl.MC.No. 3021 of 2007()

AGAINST THE ORDER DATED 10/08/2007 IN CMP.4598/2007 IN CMP.4628/2007 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

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PETITIONER:

ROONWAL INVESTMENTS PVT. LTD.,
"ROONWAL MANSION" NO.17, KALATHI PILLAI STREET,
SOWCARPET, CHENNAI-79, REPRESENTED BY
SRI.FRANCIS NIGIL, S/O. V.F.GEORGE,VALATHUPARAMBIL
HOUSE, KURUPLAVU ROAD, FORT KOCHI.

BY ADV. SRI.K.V.SABU

RESPONDENTS:

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1. ABILASH V., S/O. VELAYUDHAN,
VELLANIKKATTIL HOUSE, KACHERIPARAMBU P.O.,
ALANALLUR VILLAGE, THIRUVIZHAKAM, PALAKKAD
(NEAR SREE RAM TEMPLE).

2. KUNJAN, AGED 63 YEARS,
S/O. KORAN, SWATHI, THRIKKAKANGODE, MANISSERY P.O.
OTTAPPALAM, PALAKKAD DISTRICT.

3. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No. 3021 of 2007

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Dated this the 2nd day of November, 2007

ORDER

There is no representation for the petitioner. The learned Public Prosecutor has explained the case of the Investigator. The vehicle in question - a Scorpio car was registered on 3.10.05 at the R.T.O office at Mannarkadu in the name of the 1st accused. He raised a loan from IndusInd bank on the strength of that R.C.book. There was default in payment and the Induslnd Bank seized the vehicle. They sold the vehicle to one Kunjan, 2nd respondent herein who is the owner of the vehicle as per the said registered certificate and transfers referred above.

2. In the meantime, the vehicle is seen to be registered again at the R.T.O. Office at Malappuram on 28.10.05 in the name of one Mr.Shabir. Another registration certificate is seen to have been issued. In that 2nd registration certificate also the 1st accused later became the owner on the basis of a transfer in his name. The 1st accused is alleged to have raised another loan from

the petitioner herein using second R.C.book. On the complaint of the petitioner the crime was registered and the vehicle was seized. The said Kunjan as well as the petitioner staked claims for interim release of the vehicle. By the impugned order, the learned Magistrate directed the release of the vehicle to the said Kunjan subject to appropriate conditions. The petitioner has come to this Court complaining about the impugned order.

3. The learned Magistrate has noted that in the course of investigation, the registeration certificate of the vehicle under which the petitioner claims rights is found to be a forged one. At the moment and with the available inputs I find no reason to disagree with the conclusion of the court. In these circumstances, the challenge raised against the impugned order that is Annexure A5 is found to be without any merit and this Crl.M.C. is accordingly dismissed.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE